



that the custodial duties outlined above were not being assigned to civilian employees.

Subsequently, by letter dated March 12, 2018, PBA Local 109, represented by William Sayers, Esq., contacted Agency Services contending that civilian employees continue to perform duties related to the regulation of inmate movements without the oversight of custodial employees. In support, it submitted a certification by Derrick James, a County Correction Officer and President of PBA Local 109, who asserts, *inter alia*, that Communications Operator, Secured Facilities “tasks include but are not limited to opening and closing all doors throughout the facility which means that these untrained civilians control the movements of inmates throughout the facility with no supervision from trained Correction Officers.” He also indicates that he has “personally observed the [civilian employees] control the movement of inmates, civilian personnel and uniformed staff from the control rooms by simply opening or closing doors without any orders from uniform or supervisory staff.” Based on these assertions, Agency Services referred the matter to the Civil Service Commission (Commission) for review and possible enforcement action.

Upon receipt of Agency Services’ referral of PBA Local 109’s request, Hudson was provided an opportunity to submit a response for the Commission’s review.

In response, Hudson provides a certification from Ronald Edwards, Director of Corrections, who states that when the Juvenile Detentions Center closed in 2015, it was agreed that any JDO who was transferred would be utilized in accordance with the job specification for Communications Operator, Secured Facilities. Edwards notes that the job specification for that title indicates that incumbents work under direction of a custody supervisor or other supervisory official, and that an example of work includes, “Opens and closes security doors/gates and distributes security and other equipment other than firearms, chemical agents, or mechanical restraints under supervision of a custodial supervisor.” Edwards maintains that Hudson adheres to protocol and the requirements of its own internal policies and State law, and states that James’ certification provides no substantive detail or identification of persons, times, places or manner in which Hudson has failed to follow Civil Service rule or direction.

Additionally, Edwards indicates that a policy titled “Control Room Officer/Operator” sets forth the policies and procedures regarding the operation of control rooms overseeing inmate activities throughout the facility. In this regard, he states that the policy specifies that all inmate movement is conducted with the approval and under the supervision of a County Corrections Officer and that Communication Operators, Secured Facilities, merely operate the mechanics of pushing a button and documenting such movement in the log book. Edwards underscores that the policy provides, in pertinent part: “... [c]ell and housing doors are only to be opened at the direction of the Housing Unit Officer or Supervisor.”

Further, the policy for Main Control Rooms states that prior to the opening of any door, the assigned staff shall view the area via the camera system and evaluate the movement for security purposes. In accordance with this policy, the staff member assigned to the main must contact the officer assigned to the post and that officer must ensure the inmate is authorized to enter the housing unit. Edwards states that doors for recreation shall be opened only at the request of the officer assigned to recreation or the escorting officer. In other words, Hudson's procedures do not permit civilian employees to open or close doors without orders from uniform or supervisory staff as inmate/detainee movement is the responsibility of custody personnel. Edwards further notes that James has not provided enough information or specific facts for an investigation into a purported violation of policy for disciplinary evaluation, no grievances has been filed, and there has been no security breach that can be traced to the alleged violations.

District 1199J, the union which represents the title of Communication Operator, Secured Facilities in Hudson County, represented by Arnold Shep Cohen, Esq., submitted a letter regarding this matter. It concurs that these incumbents do not open doors without orders from uniform or supervisory staff, do not interact with inmates or detainees, and these functions do not interfere with the duties of County Correction Officers in anyway.

In response, PBA Local 109 submits a second certification from James, and a certification from Rene Felix, County Correction Officer and President of PBA Local 109A. In his second certification, James states that no other County Corrections or State Correctional Facility employ Communications Officers, Secured Facilities, in control rooms without trained Corrections Officers physically present. Felix and James claim that Hudson's policies are not being complied with as Communication Operators, Secured Facilities are opening doors without direction from custody staff. For example, when an inmate requires to be seen in the Medical Unit, a County Correction Officer would open the door from the Housing Unit, but after that initial door, the inmate would typically pass through multiple subsequent doors before arriving at the destination. They claim that those intermittent doors are being opened by Communication Operators, Secured Facilities without contacting the County Corrections Officers. Given the volume of inmate movement in the facility daily, they assert that it is not practicable for the Communication Operators, Secured Facilities, to contact a County Corrections Officer for authorization every time a door needs to be opened. In this regard, they state that on numerous occasions they have never been contacted by a control room Communications Operator, Secured Facility to ask for authorization for opening a door for an inmate.

PBA Local 109 argues that these certifications confirm that the Communications Operators, Secured Facilities, in the control rooms are performing the prohibited custodial function of observation and regulation of inmate

movements without direction or supervision of County Corrections Officers. It also contends that civilians assigned to the control rooms have been assigned custodial responsibilities as confirmed by Hudson's post order for the main control rooms. Specifically, it states that "the assigned staff shall control all movement through all doors in their area of operation and shall ensure that no door within the area of operation is left unsecured." In the current staffing structure being maintained by Hudson, the "assigned staff" in all eight control rooms are civilian Communications Operators, not County Corrections Officers. PBA Local 109 also contends that no other county or State correctional facility in New Jersey employs civilian Communications Operators, Secured Facilities in control rooms. In support, it provides letters from PBA Local 258 representing Ocean County Corrections Officers and PBA Local 105, which represents State Corrections Officers, attesting to these facts. It maintains that the job specification for Communications Operator, Secured Facilities, does not mention monitoring inmate movements, either directly or through a video surveillance system, which is a central role and function of the control room operator.

## CONCLUSION

In the instant matter, PBA Local 109 claims that Communications Operators, Secured Facilities are performing the duty of observation and regulation of inmate movements. In *In the Matter of Senior Correction Officer and Communications Officer, Department of Corrections* (Commissioner of Personnel, decided September 20, 1996), the former Commissioner of Personnel found that opening and closing of security doors and gates upon orders or supervision of a custodial supervisor are not inappropriately assigned to the Communications Operator job classification. At that time and today, the provisions of *N.J.A.C. 10A:3-3,1 et seq.* did not preclude the opening and closing of security doors and gates by incumbents in the Communications Operator, Secured Facility job classification. As result of the Commissioner's decision, the job specification for Communications Operator, Secured Facility (at the time, Communications Operator, Corrections) was revised to include these tasks since incumbents do not perform these tasks on their own initiative but, rather, following direction of a custodial supervisor.

In this case, PBA Local 109 asserts that Communications Operators, Secured Facilities, do not open and close doors under orders or supervision of a custodial supervisor. As such, it maintains that the failure to do so results in Communications Operators, Secured Facilities performing the duties of County Corrections Officers who are specifically charged with observing and regulating inmate movements. The Commission disagrees. The documentation provided by Hudson, such as its "Control Room Officer/Operator" policy clearly indicates that "[c]ell and housing doors are only to be opened at the direction of the Housing Unit Officer or Supervisor." This policy is consistent with the job specification for

Communications Operator, Secured Facility and *Senior Correction Officer and Communications Officer, supra.*

The policy submitted “Post Order The 3, 4, 5, & 6 Main Control Rooms,” states, in pertinent part, that,

The assigned staff shall control all movement through all doors in their area of operation and shall ensure that no door within the area of operation is left unsecure.

- a. Prior to opening any door, the assigned staff shall view the area via the camera system and evaluate the movement for security purposes.
- b. In the event that there is an inmate at a wing door in a housing unit that does not have a control room in use, the staff member assigned to the main must contact the officer assigned to the post and have that officer ensure the inmate is authorized to enter the housing unit.
  - 1) If the officer cannot be contacted, the staff member assigned to the main shall contact the area supervisor to ensure that the inmate is authorized to enter.
- c. In a case where a door is left unsecure, the staff member assigned to the main shall radio or telephone the officer assigned to the affected area.
- d. In the event that the officer cannot be reached, the staff member assigned to the main shall contact the area supervisor.”

This policy also supports that Communications Operators, Secured Facilities working in the control room must obtain authorization from an officer or supervisor prior to opening a door. PBA Local 109’s argument that the first part of the post order, starting with “The assigned staff...” reflects and confirms that the civilian employees working in the control rooms are responsible for controlling inmate movement in the facility is misplaced as it does not account for the remaining subparts of the procedure, which clearly indicate that officer approval is necessary. As such, the Commission is convinced that the established policies of Hudson follow the job specification for Communications Operators, Secured Facility.

Although the policies at issue are consistent with the job specification for Communications Operator, Secured Facilities, PBA Local 109 argues that they are not being followed. In support of this assertion, it offers the certifications of James and Felix. However, neither of these certifications provide clear and unambiguous support of the contention that Communication Operators, Secured Facilities are opening doors without the approval of a County Corrections Officer. They provide no specific examples of such behavior. Moreover, Edwards’ statement that no

information has been provided to the appointing authority regarding purported violations of its policies for disciplinary evaluation and no grievances have been filed has not been rebutted by PBA Local 109. In this regard, any failure to follow established policies that could result in a security breach at the facility, such as James' claim that a control room door was left fully open for over an hour, should have been referred to the appointing authority for investigation and possible disciplinary action. Regardless, PBA Local 109 has presented no evidence that Hudson's policies are not consistent with the duties that can be performed by a Communications Operators, Secured Facilities.

### ORDER

Therefore, it is ordered that Hudson County continue strictly following its policy to ensure that Communication Operators, Secured Facilities, under supervision of a custodial supervisor, open and close security doors/gates in the facility.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 21<sup>st</sup> DAY OF NOVEMBER, 2018



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